

04.09.2024

Court No.29

Item No.19

Allowed

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CRM (A) 3065 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Bhabanipur Police Station Case No. 164 of 2024 dated 17.06.2024 corresponding to G.R Case No. 1439 of 2024 under Sections 376/417 of the Indian Penal Code.

In Re: **Bappaditya Das**

Petitioner

Mr. Swapan Kumar Mallick

Mr. Abhinaba Mukherjee

For the Petitioner

Md. Zubair Alam

Ms. Arfeen Begum

For the State

Mr. Debanshu Ghorai

For the De-facto Complainant

1. Learned counsel for the petitioner submits that the petitioner was on a consensual relationship with the de-facto complainant and has been falsely implicated. It is further submitted that the de-facto complainant is a married lady having two children.
2. Learned counsel for the de-facto complainant and the State have opposed the prayer for anticipatory bail.
3. Learned counsel for the State has produced the case diary and relied upon the statement of the de-facto complainant recorded under Section 164 Cr.P.C.
4. Learned counsel for the de-facto complainant submits that the petitioner has forcibly aborted her pregnancy. However, no paper has been produced with regard to such submission.
5. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence

and having regard to the fact that two adult persons were in consensual relationship and they were aware of such consequences and the case diary does not support the allegation of such abortion/pregnancy at the instance of the petitioner, we are of the view that custodial interrogation of the petitioner is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Bappaditya Das** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O once in a week till the submission of the final report and on further condition that the petitioner shall appear before the **learned Additional Chief Judicial Magistrate-II, at Haldia, Purba Medinipur**, within two weeks from date in connection with **G.R Case No. 1439 of 2024**. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
8. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Shampa Dutt (Paul), J)

